

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,)	CR 07-29-BU-DWM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
SILVINO FLOREZ-VALERIO,)	
)	
Defendant.)	
_____)	

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on January 9, 2008. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

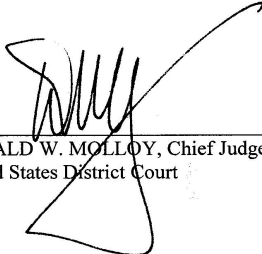
Judge Lynch recommended this Court accept Florez-Valerio's

guilty plea after Florez-Valerio appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to the charge of illegal reentry of a deported alien in violation of 8 U.S.C. § 1326(a).

I find no clear error in Judge Lynch's Findings and Recommendation (dkt # 20) and I adopt them in full, including the recommendation that this Court defer acceptance of the plea agreement until sentencing, when the Court will have reviewed the plea agreement and presentence report in this case.

Accordingly, IT IS HEREBY ORDERED that Defendant's motion to change plea (dkt # 10) is GRANTED.

DATED this 29th day of January, 2008.



DONALD W. MOLLOY, Chief Judge
United States District Court